



CIVIL RIGHTS DIVISION CIVIL RIGHTS DIVISION

CIVIL RIGHTS COMPLIANCE REVIEW GUIDE

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This guide will be updated to conform to new legislation. Please send comments and/or suggested revisions to: USDA, NRCS, Civil Rights Division, Attn: Program Compliance Team, 5601 Sunnyside Avenue, Room 1-2188, Mailstop 5472, Beltsville, MD 20705.

Revised June 2012

I. INTRODUCTION

1. PURPOSE AND SCOPE

The NRCS Civil Rights Compliance Reviews are conducted to: ensure that policy and procedures are being followed for all USDA Federally conducted and assisted programs and activities; evaluate employment and program delivery processes, policies, and functions; determine Civil Rights and Equal Opportunity compliance; and to provide direction, guidance, and technical assistance to NRCS managers and supervisors to correct any Civil Rights and/or Equal Opportunity compliance deficiencies.

2. POLICY

It is NRCS policy to ensure that all persons participating in USDA Federally conducted and assisted programs, employees, applicants for employment, or former employees are not subjected to prohibited discrimination, based on race, color, national origin, sex (including gender identity and expression), religion, age, disability, marital status, familial status, parental status, sexual orientation, genetic information, or because all or a part of an individual's income is derived from any public assistance program.

- Measuring the effectiveness of compliance in Program Delivery (Title VI) and Equal Employment Opportunity (Title VII) in State Offices and selected Field Offices, NRCS Divisions, and National Technology Centers.
- Recognizing commitment, leadership, creative and innovative management of the Civil Rights program.
- Ensuring that programs are administered in a fair and equitable manner to all NRCS customers.
- Determining the extent that NRCS employees understand their program delivery and equal employment opportunity responsibilities.
- Identifying program delivery and equal opportunity deficiencies.
- Providing assistance and guidance to fulfilling NRCS program delivery and equal opportunity goals and objectives.
- Systematically evaluating whether and the extent to which USDA conducts its programs and activities in a manner consistent with applicable Federal and USDA Civil Rights requirements.

No person shall be subjected to reprisal or harassment because he or she filed a discrimination complaint, participated in or contributed to the identification, investigation, prosecution or resolution of a Civil Rights violation in or by any USDA conducted program or activity; or otherwise aided or supported the enforcement of Federal or USDA Civil Rights laws, rules, regulations or policies. Any person, who believes that he, she, or any specific class of individuals has been subjected to discrimination by any USDA agency, may file a complaint personally or through a designated representative.

3. AUTHORITIES

A. STATUTORY

- Title VI of the Civil Rights Act of 1964, as amended, ‘Nondiscrimination in Federally Assisted programs’.
- Title VII of the Civil Rights Act of 1964, as amended, ‘Equal Employment Opportunity’.
- Title IX of the Civil Rights Act of 1964, as amended, ‘Intervention and Procedure after Removal in Civil Rights cases’; 1972 addition to Title IX “No person in the U.S. shall, on the basis of sex be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal aid.”
- Rehabilitation Act of 1973, as amended; Section 504 and Section 508.
- 5 USC 301, Authority to Prescribe Departmental Regulations.
- Equal Credit Opportunity Act of 1974, Title VII of the Consumer Protection Act of 1974, as amended, Section 701 of the Equal Credit Opportunity Act of 1974, Public Law 93-49, 15 USC 1691.
- Age Discrimination in Employment Act of 1967, as amended.
- Equal Pay Act of 1963.
- Americans with Disabilities Act of 1990, as amended; Americans with Disabilities Act of 2008.
- Architectural Barriers Act of 1968.
- Civil Rights Restoration Act of 1987.

B. REGULATORY AND EXECUTIVE ORDERS

- 7 CFR Part 2, Subpart P, Delegation of Authority by the Assistant Secretary of Agriculture.
- 7 CFR Part 15d, Nondiscrimination in Programs or Activities Conducted by the Department of Agriculture.
- 7 CFR Part 15e, Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Agriculture.
- 12 CFR Part 202, Equal Credit Opportunity Regulation B.
- 28 CFR Parts 42.401 – 42.415, Department of Justice Regulation, Subpart F, Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs.
- 29 CFR Part 1614, Federal Sector EEO.
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP).
- Executive Order 13160, Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Parental Status in Federally Conducted Education and Training Programs.

- Executive Order 13125, Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs.
- Executive Order 13087, Provides that, as a matter of Federal policy, an individual's sexual orientation should not be the basis for the denial of an employment or promotional opportunity.
- Executive Order 13145, Prohibits discrimination in Federal employment based on genetic information.
- Executive Order 13152, Provides for a uniform policy within the Federal Government to prohibit discrimination based on an individual's status as a parent.
- Executive Order 12250, Leadership and Coordination of Nondiscrimination Laws.
- Executive Order 13175, Consultation and Coordination with Indian Tribal Governments.

C. DEPARTMENTAL REGULATIONS/MANUALS

- DR 1010-001, Organization, dated July 20, 2006.
- DR 4030-001, Section 508 Implementation – Final Guidance, dated July 23, 2003.
- DR 4300-003, Equal Opportunity Public Policy, dated January 8, 2001.
- DR 4300-005, Agency Civil Rights Programs, dated January 14, 1998.
- DR 4300-006, Civil Rights Policy for USDA, dated June 30, 2000.
- DR 4300-007, Processing EEO Complaints of Discrimination, dated March 3, 1999.
- DR 4300-009, EEO Complaints, dated January 9, 2001.
- DR 4330-001, Procedures for Processing Discriminations Complaints and Conducting Civil Rights Compliance Reviews in USDA Conducted Programs and Activities, dated October 18, 2001.
- DR 4330-003, Nondiscrimination in Programs and Activities, dated March 3, 1999.
- DR 4120-001, Annual Civil Rights Training.
- DR 4230-002, Special Emphasis Programs.
- DR 4360-001, Communicating with Underserved Communities.
- DR 4360-002, Coordination of Request for USDA Support for Outreach Activities.
- DR 5600-002, Environmental Justice, dated December 15, 1997.
- DM 4300-001, EEO Complaint Processing Procedure.
- DM 4300-002, Reasonable Accommodations Procedures.

D. NRCS POLICY

- (1) eDirectives - General Manual, Title 230
- (2) Civil Rights Compliance Review Guide

4. NOTICE – (USDA NONDISCRIMINATION STATEMENT)

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers. If you believe you experienced discrimination when obtaining services from USDA, participating in a USDA program, or participating in a program that receives financial assistance from

An Equal Opportunity Provider and Employer

USDA, you may file a complaint with USDA. Information about how to file a discrimination complaint is available from the Office of the Assistant Secretary for Civil Rights. USDA prohibits discrimination in all its pro-grams and activities on the basis of race, color, national origin, age, disability, and where applicable, sex (including gender identity and expression), marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's in-come is derived from any public assistance program. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, complete, sign and mail a program discrimination complaint form, available at any USDA office location or online at www.ascr.usda.gov, or write to:

USDA, Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, S.W.
Washington, D.C. 20250-9410

Or call toll free at (866) 632-9992 (voice) to obtain additional information, the appropriate office or to request documents. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay service at (800) 877-8339 or (800) 845-6136 (in Spanish). USDA is an equal opportunity provider, employer and lender.

Persons with disabilities who require alternative means for communication of program information (e.g., Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Alternative version of statement – “An Equal Opportunity Provider and Employer.”

5. NRCS CIVIL RIGHTS COMPLIANCE PROCEDURES

a) OUTLINE ANNUAL COMPLIANCE REVIEW SCHEDULE

The annual Compliance Review schedule is predetermined on a five (5) year rotational basis wherein each NRCS State is reviewed at least once during the five (5) year period. Between August and September of each year, the CRD contacts the upcoming States to solicit their preferred dates. Upon confirmation of the agreed dates, but no later than October 1st of each year, the schedule is finalized.

In unforeseen circumstances when a scheduled review is not conducted, the review will be postponed for the following year (i.e., Natural Disaster, extreme conflict with schedule, etc.). Although a state's Compliance Review may be postponed to the following year, future Compliance Reviews for that state will be based upon the State's original 5-year rotational schedule.

b) PRE ON-SITE REVIEW PREPARATIONS and RESPONSIBILITIES

- CRD selects the field offices to be reviewed 75 to 90 days prior to the review ensuring to select at least 20% of the number of the State's field offices. The following criteria are considered in selecting the field offices: previously

visited offices; offices found significantly non-compliant during previous review; predetermined records that were requested in advance that reflect race, sex, national origin, and persons with disability (RSNOD) data on employees; accessibility reviews; Civil Rights and EEO complaint inventory; and/or program application processing and servicing.

- The final Initial Contact Letter is transmitted to the respective STC at least 60 days prior to the scheduled review. A detailed Document Request for supporting information is included in the Initial Contact Letter. The deadline for return of the requested materials is 30 days prior to the team's on-site arrival. The Initial Contact Letter also identifies the field offices and locations to be visited. (See attached for Initial Contact Letter Sample)
- The Civil Rights Compliance Review Team will evaluate Employee Awareness by means of an online questionnaire that should take each employee approximately 20 minutes to complete. Within one (1) week after the date of the Initial Contact Letter, the PCT CR Compliance Review Program Manager transmits an e-mail message to all state employees with a hyperlink to access the questionnaire. Employee participation in this activity is strictly voluntary and confidential. Employees that choose to complete the aforementioned questionnaire must do so within the prescribed 30 day timeframe. (See attachment for Employee Questionnaire)
- Approximately one (1) week after sending the Initial Contact Letter, the Team Leader distributes interview questions via email to all of the State's CRAC members and SEPMs. The interview questions should be completed and returned to the Team Leader within two (2) weeks of receipt of the email.
- NLT two (2) weeks prior to the review, the Team Leader provides the State's Compliance Review POC a copy of the final itinerary. As a courtesy, the itinerary may be forwarded earlier if it is anticipated that the State POC may have any problems making lodging arrangements consistent with the teams' planned itinerary.

c) ON-SITE REVIEW RESPONSIBILITIES

- The on-site Compliance Review is based on a three (3) to five (5) day work week. The day of departure depends on the location of the State and the number of field offices to be reviewed.
- The AM of the first day of the review is dedicated to the State Office for the Entrance Conference and review of the State Office. The goal of the Entrance Conference is to set the State officials at ease and to promote an atmosphere of cooperation. Upon arrival, the Team Leader and, if scheduled, the Team

Members meet first with the STC. During this meeting, the Team Leader introduces the team; discusses the purpose, authorization, and scope of the review; reviews the significant employee survey findings and the State's Section 508 Report; explains the various onsite activities; and confirms any last minute scheduling or logistical changes.

- The Team Leader provides the STC with the Compliance Review Team Evaluation Form (attached for reference) for completion. This form is to be

completed by the STC post the review and faxed to the PCT Supervisor at the number listed at the bottom of the evaluation form.

- After meeting with the STC, the Review Team meets with the State's staff for introductions and to set the tone for the onsite review process. The Team Leader reviews the goals and objectives of the review, explains how it will be conducted, and answers any questions about the review process. If not done prior to arrival, the Exit Conference will be scheduled at this time. The Team Leader ensures that an attendance sheet is routed and completed.
- Second and third days (Tuesday and Wednesday) are dedicated to reviewing field offices located throughout the State.
- The fourth day (Thursday) may include the review of a field office in the AM. If so, the afternoon of the fourth day may be reserved for return travel or for the team to meet to discuss their on-site findings.
- The last day is for the Team Leader and any remaining team members to conduct the Exit Conference by 9:00 AM; and travel return. The Exit Conference is usually scheduled between 8:00AM and 9:00 AM on the last day of the review. The Team Leader ensures that an attendance sheet is routed and completed. The STC decides on the attendees for the Exit Conference (The STC may reserve the right not to share certain findings with his/her management team). The Team Leader leads the Exit Conference to discuss the following items with the STC and management team:
 - Major review findings (If the STC objects to any of the preliminary findings, the team teleconferences with the PCT Supervisor to discuss those concerns).
 - That the Final Report will be received within 45 days of the Exit Conference date.
 - The Corrective Action Plan requirements for non-compliance findings (required actions) and that the State has 30 days to provide its Corrective Action Plan.
 - Reminder to complete the evaluation form and return it via fax to the PCT Supervisor.

d) ON-SITE REVIEW OF OFFICES

- The Team Leader: conducts or assigns the State Office's accessibility analysis/checklist (**Form AD-256**); performs the public notification/poster review; 230 file review; and State Office personnel interviews. State Office personnel to be interviewed include:
 - State Administrative Officer, Human Resource Specialist, Public Affairs Specialist, Assistant STC for Operations, and Assistant STC for Programs.
- During each field office review, each team member:
 - Conducts a streamlined entrance conference (i.e. introductions, purpose and scope of review, and outline of review actions).
 - Performs the public notification/poster and 230 file review.
 - Conducts the accessibility checklist.
 - Interviews the landowners, Board members, and District Conservationist.

All interviews, state and field, are allotted 30 minutes.

e) POST REVIEW RESPONSIBILITIES

- The State has 30 days from receipt of the Compliance Review Report to submit their proposed Corrective Action Plan which displays the details of how the non-compliance required item(s) will be reconciled.
- CRD acknowledges receipt of the proposed Corrective Action Plan, reviews the proposed Action Plan, and notifies the STC of any suggestions and/or comments within 10 days of receipt.
- Upon acceptance of the Corrective Action Plan, the NRCS CRD Corrective Action POC notifies the State with a Corrective Action Plan acceptance notice and notifies the state that it has one year to comply with all required actions. The CRD Corrective Action POC and the State coordinate to identify the timeframe in which it will take to complete the proposed Corrective Action(s).
- Within 90 days, the STC notifies the PCT with the State's quarterly progress report of their Corrective Action Plan and provides quarterly updates thereafter until completion. The State is required to submit supporting documentation of its compliance of the required actions.
- The CRD Corrective Action POC ensures receipt of the Corrective Action Plan and establishes a quarterly schedule for the State to report progress on the non-compliance findings.
- Upon completion of all Corrective Action items, the CRD Corrective Action POC initiates the State's final Close-out letter.

The following sections, II and III, provide the Program Delivery and Employment components of a NRCS Civil Rights Compliance Review. The 'Requirements' explain the statutes, regulations, and policies; the 'Document Request' describe the information and data that the CRD request in advance of the review; 'On-Site Verification' describes the information, data, and materials that the Review team inspects on-site; and 'Documented Verification (Interview Questionnaires)' describe documentation that CRD reviews/analyzes relative to State employee interviews.

II. CIVIL RIGHTS MANAGEMENT- PROGRAM DELIVERY **(TITLE VI)**

1. CIVIL RIGHTS RESPONSIBILITIES AND RECORDS

Requirements:

7 CFR Part 15, Nondiscrimination in Federally Assisted Programs; and NRCS GM 120 Part 408, Correspondence and File Management, require agencies to develop plans, procedures, and directives necessary to manage their Civil Rights programs. NRCS offices are required to manage their Civil Rights activities through Handbooks, Reports, Notices and Correspondence.

Document Request:

- A copy of the State's Strategic or Business Plan.
- A copy of the State's Outreach Plan.

On-Site Verification:

The team will examine the status on whether Civil Rights files have been established and updated to include NRCS Civil Rights management directives, policies, bulletins, memos, complaints, etc:

- ✓ Handbooks
- ✓ Reports
- ✓ Notices
- ✓ Correspondence
- ✓ National and In-State Bulletins

2. PRORAM DELIVERY TRAINING

Requirements:

Departmental Regulation 4330-3, Nondiscrimination in Programs and Activities; and NRCS GM 230 Part 405, Civil Rights in Program Delivery, provide instructions on the responsibilities for providing training on Civil Rights laws and Regulations to all staff members.

Document Request:

- A copy of each employee's career training for the last three (3) years.

On-Site Verification:

- Employees hired in the past 12 months received training in:
 - a) Civil Rights in Program Delivery (NEDC course if employee has program delivery responsibilities)
- Documented staff and district employee training (random sampling of IDPs).
- Civil Rights training included in State-wide training plan.

3. PUBLIC NOTIFICATION

Requirements:

7 CFR 15.5d, Nondiscrimination in Programs or Activities Conducted by the Department of Agriculture; Departmental Regulation 4300-3, Equal Opportunity Public Policy; and NRCS GM 230 Part 405, Civil Rights Compliance in Program Delivery, require NRCS offices to establish programs to ensure that all persons know about the availability and use of NRCS program services and are encouraged to participate.

On-Site Verification:

- Methods used to inform potential and non-traditional program beneficiaries (*particularly minorities, females, and persons with disabilities*) about NRCS programs and activities. Notification is provided through newsletters, publications, news releases, meetings, posters, personal contacts, electronic media, fact sheets, videos, and through contacts with Grassroots Organizations representing minorities, women, and persons with disabilities.
- Public meeting materials available in alternative means of communication (Braille, large prints, audiotape - captioning, etc.).
- Public meeting notices include State POC information including name, telephone number, and a respond by date for persons to request accommodations (interpreter, translator, etc.) or materials in an alternative format.
- Sign-in sheets document public meetings or workshops held by NRCS discussing USDA programs and services.
- Appropriate Nondiscrimination statement is placed or appears on all materials available for public distribution including, but not limited to: program information, district newsletter, fact sheets, publications, etc.
- Mandatory Civil Rights Policy Statements are prominently posted (clearly visible to program participants or persons seeking NRCS assistance and posted in languages appropriate for the local population: USDA Secretary's CR Policy Statement; NRCS Civil Rights Policy Statement; and NRCS Anti-Harassment Policy.
- Required posters are prominently displayed in the USDA Service Centers and field offices: "And Justice for All"; USDA EEO is the Law; USDA Sexual Harassment is Illegal; and NRCS EEO Counseling Program posters.

4. PROGRAM OUTREACH

Requirements:

7 CFR 15.5a, Nondiscrimination in Federally Assisted Programs; Departmental Regulation 4360-001, Communicating with Underserved Communities; Departmental Regulation 4360-002, Coordination of Request for USDA Support for Outreach Activities; and NRCS GM 230 Part 406, National Outreach Policy require the establishment of outreach programs at the local level to ensure that all persons know about the availability of NRCS program services effectively and are encouraged to participate. Executive Order 13166 requires federal agencies to provide Limited English Proficiency (LEP) persons with meaningful opportunity to participate in programs and activities conducted by USDA.

On-Site Verification:

- Methods used by NRCS with grassroots organizations in reaching non-traditional and under-served customers within the State.
- Examples of the State's outreach activities for minorities, women, and persons with disabilities.
- Materials developed by the State to assist producers with disabilities or those with Limited English Proficiency (LEP).
- Ascertain whether the CRAC has a business plan that includes program outreach action items.
- Examples of how notification is provided include:
 - ✓ Newsletters
 - ✓ Publications
 - ✓ News releases
 - ✓ Meetings
 - ✓ Posters
 - ✓ Personal contacts
 - ✓ Electronic media
 - ✓ Fact sheets
 - ✓ Videos
 - ✓ Through Grassroots Organizations representing minorities, women, and persons with disabilities.

5. PROGRAM COMPLAINTS OF DISCRIMINATION

Requirements:

28 CFR 42.408, Complaint Procedures; 7 CFR 15.6, Complaints; NRCS GM 230 Part 405, Civil Rights Compliance in Program Delivery, and the “*And Justice for All*” poster

provide instructions for customers filing complaints of discrimination in program and/or service delivery. These regulations should be on file and the poster displayed in a prominent location.

On-Site Verification:

- Supervisors and managers discuss the program complaint procedures with staff (Review staff meeting minutes).

6. EVALUATION OF PROGRAM DELIVERY

Requirements:

28 CFR Part 42.406, Data and Information Collection, requires federal agencies to collect data from applicants of recipients of federal assistance to enforce Title VI; Executive Order 12250, Leadership and Coordination of Nondiscrimination Laws; 28 CFR Part 42.408, Complaint Procedures; 7 CFR Part 15.5, Nondiscrimination in Federally Assisted Programs; Departmental Regulation 4330-2, Activities Receiving USDA Financial Assistance; and NRCS GM 230 Part 405, Civil Rights in Program Delivery, require: the monitoring and evaluation of programs in order to ensure that they are administered in a nondiscriminatory manner and the collection and evaluation of race, sex, national origin, and disability (RSNOD) participation and eligibility data for programs. Data is necessary to determine both quantitatively and qualitatively how effectively agency programs are reaching all potential beneficiaries. Executive Order 13166 requires federal agencies to provide Limited English Proficiency (LEP) persons with meaningful opportunity to participate in programs and activities conducted by USDA.

Document Request:

- Program participation reports, PROTRACTS, SCIMs, and ToolKit, for each scheduled field office inspection for the last three (3) fiscal years with RSNOD status. Data collected should reflect parity in program participation.
- A copy of the State's schedule of conducting Compliance Reviews in field offices.
- A copy of the last Civil Rights Compliance Review Report for each field office to be inspected.
- Current list of Soil and Water Conservation District (SWCD) Board, and State Technical Committee by RSNOD.
- Provide the number of land-users receiving USDA program payments prior fiscal year for installing conservation practices and participating in any of the following programs from prior fiscal year:
 - ✓ AMA – Agricultural Management Assistance
 - ✓ AWEP – Agricultural Water Enhancement Program
 - ✓ CFO – Conservation Farm Option

- ✓ CPI – Conservation Partnership Initiative
- ✓ CPMC – Conservation Plant Material Center
- ✓ CRBSC – Colorado River Basin Salinity Control Program
- ✓ CSP – Conservation Security Program
- ✓ CTA – Conservation Technical Assistance
- ✓ EQIP – Environmental Quality Incentives Program
- ✓ EWP – Emergency Watershed Protection Program
- ✓ FRLPP – Farm and Ranch Land Protection Program
- ✓ GRP – Grassland Reserve Program
- ✓ CPGL – Conservation of Private Grazing Land
- ✓ HFRP – Healthy Forest Reserve Program
- ✓ NCSS – National Cooperative Soil Survey Program
- ✓ SSWSF – Snow Survey & Water Supply Forecasting
- ✓ SSP – Soil Survey Programs
- ✓ WHIP – Wildlife Habitat Incentives Program
- ✓ WPFP – Watershed Protection and Flood Prevention Operations Program
- ✓ WRP – Wetland Reserve Program

On-Site Verification:

- File inspection for pre-post award contract compliance.
- Utilization of program participant data to determine potential eligible program beneficiaries (i.e., Ag Census, Decennial Census, PROTRACTS, SCIMS).
- Note the retention of program data after the end of a program year.
- In findings of disparities, note actions taken to correct findings.

7. PARTNERSHIP RESPONSIBILITY

Requirements:

7 CFR Part 15.5, Compliance; Departmental Regulation 4330-2, Activities Receiving USDA Financial Assistance; and NRCS GM 230 Part 405, Civil Rights in Program Delivery, set forth the recipients responsibilities in program delivery, i.e. increase the diversity of representation on partnership boards and councils, adhere to Agency rules and regulations with respect to Equal Opportunity, develop plans, procedures, and directives necessary to manage Civil Rights programs, ensure that all offices be accessible to persons with disabilities, and establish, maintain, and carry out an effective equal opportunity employment program.

Document Request:

- A copy of all Memorandums of Understandings established with Conservation Districts and American Indian Tribes, as applicable.

Documented Verification (District Board Members Interview Questionnaires):

- Methods used to encourage eligible females and minorities to serve as Board members.
- Qualifications for membership on the Board.
- Methods used to inform the public about Board membership.
- Does the current Board’s makeup reflect the community’s makeup?
- Methods used by the Board members to recruit and/or appoint minorities, females, or persons with disabilities to serve on the Board.
- Methods used to encourage minority and female participation in the electoral process and; as Directors or Officers on the Board.
- Assurance of annual Memorandum of Understanding between NRCS and the Board.
- Determine whether the following are discussed with District Board members:
 - a) Prevention of Sexual Harassment;
 - b) Civil Rights policy and training;
 - c) “And Justice For All” poster.

8. ACCESS TO ALL NRCS FACILITIES BY PERSONS WITH DISABILITIES

Requirements:

The Architectural Barriers Act of 1968 (P.L. 90-480) requires that all buildings and facilities be accessible to people with disabilities if, since 1968, they were designed, built, or altered with certain Federal funds, or if they are leased for occupancy by Federal agencies. The Uniform Federal Accessibility Standards (UFAS) provide the guidelines for architectural compliance with the Act. If a lease is renewed after May 2008, buildings must comply with The Architectural Barriers Act Accessibility Standards (ABAAS).

Section 504 and 508 of the Rehabilitation Act of 1973, as amended; 7 CFR Part 15e, Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the USDA; and NRCS GM-230 Part 405, Civil Rights in Program Delivery, require that all offices and electronic communications are accessible to persons with disabilities.

Document Request:

- Provide names of staff that have received 508 Compliance Training and the status of the required 508 website compliance tasks.

On-Site Verification:

- Workspace accommodates persons with disabilities such as: a person using a wheel chair, someone who is hearing impaired or someone who is visually impaired.

- Perform accessibility evaluation – Form AD 2056 (Checklist available at: http://www.nrcs.usda.gov/about/civilrights/disability_resources.html)

III. EEO MANAGEMENT– (TITLE VII)

1. WORKFORCE ANALYSIS

Requirements:

Executive Order 11478, Equal Employment Opportunity in the Federal Government; and 29 CFR 1614, Federal Sector Equal Employment Opportunity, require that the head of each agency exercise personal leadership by establishing, maintaining, and carrying out plans, procedures, and directives necessary to manage an effective EEO program that promotes equality in employment, development, advancement, and treatment of employees. NRCS offices are required to manage their EEO activities through handbooks, directives, reports, notices, and correspondence.

Document Request:

- Workforce analysis reports for the last three (3) fiscal years (basic employee list) which display race, sex, national origin, and disability (RSNOD) status.

On-Site Verification:

- Random review of vacancy announcements to ascertain how and where they are posted, and how long they are maintained on file.
- Review of actions taken to increase the employment of persons with disabilities at NRCS.

2. PROMOTIONS**Requirements:**

29 CFR Part 1614.101(b)(4), General Policy, requires the head of each agency to exercise personal leadership in establishing, maintaining, and carrying out a continuing Affirmative Employment Program. This program is designed to promote equal opportunity in every aspect of agency personnel policy and practice in the employment, development, advancement, and treatment of employees.

Document Request:

- Reports for the last three (3) fiscal years for employee promotions and time in grade. Reports must show race, sex, national origin, and disability (RSNOD) status.

3. RECRUITMENT**Requirements:**

29 CFR 1614.102(a)(4), Agency Program; and NRCS GM 230 Part 401.5, Equal Employment Opportunity, require agencies to communicate their EEO policies, program, and employment needs to all sources of job candidates without regard to age, color, disability, national origin, race, religion, sex, political beliefs, sexual orientation, and/or marital and familial status. Executive Orders: 11246, 13163, and 13171 require agencies to solicit assistance in the recruitment of minorities, women, and persons with disabilities.

Document Request:

- Reports for the last three (3) fiscal years for all recruitment sources.
- State's Recruitment Plan.

On-Site Verification:

- Random review of Job Vacancy Announcements to ascertain whether they contain the Equal Opportunity Nondiscrimination statement.
- Ascertain whether hiring procedures take into account if EEO barriers exist.
- Determine if recruitment efforts are being coordinated between Human Resources and Special Emphasis Program Managers to obtain optimum effectiveness.
- Ascertain whether recruitment literature has pictures of women and minorities, and if they are indicative of a desire for a diversified workforce.
- Determine if organizations with minorities, women, and individuals with disabilities are informed about vacancy announcements.
- Determine if recruitment efforts are being employed at the following institutions:
 - a) 1862 Colleges and Universities (Tribal Colleges)
 - b) 1890 Colleges and Universities
 - c) 1994 Colleges and Universities
 - d) Hispanic Serving Institutions (HSI)
 - e) Asian American/Pacific Islander Colleges and Universities.

4. EMPLOYEE AWARENESS AND EEO TRAINING**Requirements:**

29 CFR 1614.102, Agency Program, holds Agencies responsible for communicating Equal Employment Opportunity policies, programs, and employment needs to all employees; and Departmental Regulation 4120-001, Annual Civil Rights Training.

Document Request:

- A copy of each employee's career training for the last three (3) years.

On-Site Verification:

- Determine if the following posters, notices, or statements are prominently displayed in locations where applicants, employees, and customers can easily see them:
 - a) Secretary of Agriculture's Civil Rights Policy Statement;
 - b) NRCS Civil Rights Policy Statement;
 - c) NRCS Anti-Harassment Policy Statement
 - d) "And Justice For All" poster;
 - e) USDA "Prevention of Sexual Harassment" poster;
 - f) NRCS EEO Counseling and Mediation poster.
- Employees hired in the past 12 months received training in:
 - a) EEO
 - b) Prevention of Sexual Harassment
 - c) EEO Counseling, Mediation, and Complaints

- d) Special Emphasis Programs
 - Documented staff and district employee training (random sampling of IDPs).
 - EEO training included in State-wide training plan.
 - Determine whether managers and supervisors discuss the following with their respective staff members:
 - a) EEO policy;
 - b) Prevention of Sexual Harassment;
 - c) Civil Rights policy.

Documented Verification:

To gain insight on employee perceptions and knowledge of Civil Rights and EEO policies and programs, NRCS measures this effectiveness through the Agency's Civil Rights Compliance Review Employee Questionnaire which captures: 1. Civil Rights Policy and Oversight; 2. Observations About Civil Rights Programs; 3. EEO Counseling, Mediation, and Complaints; 4. Employee Background Information; and 5. Provide orientation, training, and advice to managers/supervisors to assure their understanding and implementation of EEO policies and programs.

5. DISCIPLINARY ACTIONS

Requirements:

29 CFR Part 1614.101, General Policy, requires federal agencies to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because race, color, religion, sex, national origin, age, or handicap.

Document request:

- Reports for the last three (3) fiscal years for disciplinary actions by employees' race, sex, national origin, and disability (RSNOD) status.

6. AWARDS AND RECOGNITION

Requirements:

29 CFR 1614.102(a) (5)(10)(13), Agency Program, requires agencies to:

- ✓ **Review, evaluate, and control managerial and supervisory performance in such a manner to ensure a continuing affirmative application and vigorous enforcement of the policy of equal opportunity,**
- ✓ **Provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishment in EEO, and**
- ✓ **Inform its employees, recognized employee organizations of the Affirmative EEO policy and program, and enlist their cooperation.**

Document request:

- Reports for the last three (3) fiscal years for awards (monetary and non-monetary) including amounts and recipients' race, sex, national origin, and disability (RSNOD) status.

Documented Verification (Interview Questionnaires – ASTCs and DCs):

- Determine if any manager, supervisor, or employee has received an award or recognition for outstanding achievement in EEO or CR activities.
- Ascertain whether a respective manager or supervisor has recognized an employee, or nominated anyone for outstanding achievements in EEO or CR activities.

7. CIVIL RIGHTS ADVISORY COMMITTEE/SPECIAL EMPHASIS PROGRAMS**Requirements:**

NRCS GM 230 Parts: 403, Special Emphasis Programs, and 404, Civil Rights Advisory Committee, require the establishment of Special Emphasis Program Managers and Civil Rights Advisory Committees to assist and enhance opportunities for designated groups that may be under represented in employment, recruitment, and/or personal advancement and development.

Documented Verification (Interview Questionnaires – CRAC and SEPMs):

- Ascertain whether the CRAC has a business plan that includes MD-715 action items.
- Determine if CRAC members and SEPMs have a MOU regarding their collateral duty assignment.
- Determine if CRAC members and SEPMs have received training pertaining to their respective role and responsibilities.
- Determine if CRAC members and SEPMs have a stand-alone performance element which addresses their respective collateral duty assignment.
- Ascertain who evaluates CRAC members and SEPMs performance regarding their collateral duty assignment.
- Determine what methods are used to inform employees of CRAC/SEPM activities.
- Ascertain whether CRAC members and SEPMs participate in the development of the State's Recruitment Plan.

8. EMPLOYMENT COMPLAINTS OF DISCRIMINATION**Requirements:**

29 CFR 1614.102(b)(7), Agency Program, requires federal agencies to publicize and communicate to all employees and post at all times the names, business telephone numbers and business addresses of the EEO Counselors, a notice of the time limits and necessity of contacting an EEO Counselor.

On-Site Verification:

- Supervisors and managers discuss the EEO complaint procedures with staff (Review staff meeting minutes).
- Review State notices and bulletins regarding EEO complaint procedures.

ONLINE EMPLOYEE QUESTIONNAIRE

In an effort to perform a more effective analysis of employee awareness and to evaluate whether the Agency is meeting its responsibility for communicating CR and EEO policies and programs, an online employee questionnaire will be emailed to each State employee. The online employee questionnaire is attached for reference.

IV. PERSONNEL INTERVIEWS

A. Pre-Onsite Office Interviews

CRAC and SEPMs:

- 1. Civil Rights Advisory Committee Chair**
- 2. Civil Rights Advisory Committee Members**
- 3. Special Emphasis Program Managers**
- 4. CRAC Advisor**
- 5. Human Resource Specialist**

The CRAC and SEPMs are designed to provide management officials and employees with a vehicle that enhances and fulfills their CR and EO responsibilities. CRAC members and SEPMs carry out their responsibilities consistent with USDA policies, procedures, and practices regarding employment and program delivery, which are nondiscriminatory with regard to race, color, national origin, sex (including gender identity and expression), religion, age, disability, sexual orientation, marital or familial status, political beliefs, parental status, protected genetic information, or because all or a part of an individual's income is derived from any public assistance program. The CRAC provides assistance in the areas of policy formulation, program outreach, and employment administration. SEPMs are responsible for employment outreach and workforce analysis determinations for barriers for under-represented minority groups.

B. Onsite Interviews

- 6. Public Affairs Specialist**
- 7. Assistant State Conservationist for Operations**
- 8. Assistant State Conservationist for Programs**
- 9. State Administrative Officer**
- 10. District Conservationist**
- 11. Landowners**
- 12. Soil and Water Conservation District Board Members**

On-site interviews are conducted of State and Field office personnel to: verify information received in the document request; gather additional information regarding program participation, outreach efforts, recruitment, etc.; and to verify and encourage the State to maintain information for reporting requirements.

V. CLOSE OUT PROCESS

The NRCS GM 230 Part 405 specifies the process to complete the Civil Rights Compliance Review process. It may be summarized as follow:

- If required actions are identified, the State Conservationist submits a proposed Corrective Action Plan to the Civil Rights Division for review and approval **within 30 calendar days from the receipt of the report.**
- The Civil Rights Division reviews the Corrective Action Plan for approval within 30 calendar days of receipt.
- Upon approval, the State Conservationist submits to the Civil Rights Division a quarterly progress report on the status of full implementation of the Corrective Action Plan. The first quarterly report is 90 days from the notice of approval.
- The Corrective Action Plan shall be completed within one year of date of conclusion of the Civil Rights Compliance Review (corrective action approval notice).

1. Required Action Non-Compliance Action Items

The Civil Rights Corrective Action Plan should include the following; and be completed on the Corrective Action Plan template:

- List the Required Action Non-Compliance item(s) that have been identified in the Civil Rights Compliance Review Report.
- The Required Action Non-Compliance item(s) should be listed succinctly according to the Civil Rights Compliance Review Report.

2. Proposed Implemented Corrective Actions

- The implemented action plan must provide detailed information on the dates, locations, programs, and activities covered in the Civil Rights Compliance Review.
- The proposed implemented actions should cover and correct the identified non-compliance action item(s).
- The Corrective Action Plan should negotiate a solution to the non-compliance action item(s).

3. Responsible Person

- Identify the individual that will have direct responsibility for this action item.
- The identified individual should be able to implement the Corrective Action Plan within a reasonable timeframe.

4. Targeted Completion Dates

- Identify the timeframe in which it will take to complete the proposed corrective action.
- The monitoring and evaluation on the progress of the Corrective Action Plan will be conducted periodically by the Civil Rights Division.
- The Civil Rights Compliance Review will not be officially closed until the entire plan has been formally addressed and implemented.
- The Corrective Action Plan should be completed within one year of date of conclusion of the Civil Rights Compliance Review.

5. Status and Comments

- Provide comments on the progress of any actions taken.

6. Corrective Action Plan Template

- (See attached)

Attachment (Sample Initial Contact Letter)

SUBJECT: EOP – Civil Rights Compliance Review – **(Month, Dates, Year)**

TO: **STC Name**
State Conservationist
City, State

File Code: 230-15

This is to confirm that the New Hampshire Civil Rights Compliance Review is scheduled for **(Month, Dates, Year)**. **(Name of Specialist)**, Equal Opportunity Specialist, of the Civil Rights Division (CRD) will lead the review. Attached is a copy of the Civil Rights Compliance Review Requirements and a listing of offices that will be reviewed. An itinerary showing the date and time of each office to be visited will be forthcoming.

The Civil Rights Compliance Review Team will evaluate Employee Awareness by means of an online questionnaire that should take each employee approximately 20 minutes to complete. Within one (1) week after the date of this letter, an e-mail message with a hyperlink to access the questionnaire will be sent to all NRCS New Hampshire employees. Employee participation in this activity is strictly voluntary and confidential. Employees that choose to complete the aforementioned questionnaire must do so within the prescribed 30 day timeframe; and from the original link sent by CRD. For your reference, a copy of the questionnaire is attached. Enhanced employee participation is an adjunct to validation of the survey results. We have found that there is a higher response rate to the questionnaire when the State leadership sends an email encouraging employee participation in the process. I suggest that such a message be sent to your respective employees.

Approximately, one (1) week after the date of this letter, CRD will distribute, via email, interview questions to all Civil Rights Advisory Committee (CRAC) members and Special Emphasis Program Managers (SEPMs). The interview questions should be completed and returned to **(Team Leader)** within two (2) weeks of receipt of the email.

The team members will arrive in the State Office **(Day, Month, Date, Year)**, at 8:00 am for a Civil Rights (CR) in-brief with you and your principal staff to explain the scope and methodology of the CR review process. Following the in-brief, selected staff members at the State Office will be interviewed for operation program delivery purposes.

The following information is requested prior to the review:

1. A copy of the State's Business or Strategic Plan.
2. A copy of the State's Outreach Plan.

Attachment (Sample Initial Contact Letter)

3. Reports from Fiscal Years (**last 3 most recent**) on: (a) recruitment sources, (b) employee promotions and time in grade, (c) awards – amounts and recipients, (d) career training, and (e) disciplinary actions. Reports on items (b) through (e) must show race, sex, national origin, and disability (RSNOD) status. The report of reprimands should only include race, sex, reason, and number of reprimands. We do not need letters or names of individuals.
4. The State's Program participation reports, Performance Results System/Performance & Results Measurement System (PRS/PRMS) and/or PROTRACTS reports for FYs (3 most recent) with RSNOD status. (Charts attached and will be sent via email to contact person.)
5. A copy of State's schedule for conducting Compliance Reviews in field offices for FYs (3 most recent).
6. A copy of the last Civil Rights Compliance Review Report for each field office that will be visited.
7. Current lists of Soil and Water Conservation District (SWCD) and State Technical Committee members by RSNOD.
8. Statewide project reports or proposals for urban and minority initiatives.
9. A copy of all Memorandums of Understandings established with Conservation Districts and American Indian Tribes, as applicable.
10. Please provide the names of staff that have received 508 Compliance Training and the status of the required 508 website compliance tasks.
11. As a courtesy, we would like to request that the review team is provided a vehicle and/or drivers to use during the tenure of the compliance review.

Please send all requested information to **(Team Leader)** on or before **(Month, Date, year)**, at the following address:

USDA-NRCS, Civil Rights Division
5601 Sunnyside Avenue, Room 1-2180B
Mailstop 5472
Beltsville, Maryland 20705

Attachment (Sample Initial Contact Letter)

We are requesting that each District Conservationist: arrange to have at least one Board member and one landowner available for interviews (either at the field office or by

telephone). Interviews with SWCD Board members and NRCS staff should last approximately 30 minutes each.

A CR out-brief will be conducted to discuss the preliminary CR review findings at the State Office on **(Day, Month, Date, Year)**. We encourage the participation of the CRAC Chairperson in the out-brief. If there are any areas that you would like the Team to give special consideration to or if you have any special needs or assistance, please discuss them with the Compliance Review Team during their visit.

A Civil Rights Compliance Review Evaluation form will be given to you at the in-brief. Please complete the evaluation and return it via fax within 10 days of the out-brief to **(Name)**, Supervisor, Program Compliance Team, at (301) 504-2336.

If you have questions, please contact **(Team Leader)** at (301) 504-#### or via e-mail at [**\(Team Leader\)**@wdc.usda.gov](mailto:(Team Leader)@wdc.usda.gov).

(Name)
Director
Civil Rights Division

Attachments

cc: **(Name)**, Regional Conservationist, **(Area)**, NRCS, Washington, DC

Writer	Reviewed by	Director

Attachment (Sample Initial Contact Letter)

Selected On-site Offices

(State) State Office, City, State

Team 1 (Team Member) – Area 3

ABC Field Office, City, State

DEF Field Office, City, State

GHI Field Office, City, State

JKL Field Office, City, State

MNO Field Office, City, State

Team 2 (Team Member) – Area 5

PQR Field Office, City, State

STU Field Office, City, State

VWY Field Office, City, State

ZZZ Field Office, City, State

123 Field Office, City, State

Team 3 (Team Member) – Area 2

456 Field Office, City, State

789 Field Office, City, State

AAA Field Office, City, State

BBB Field Office, City, State

CCC Field Office, City, State

Team 4 (Team Member) – Area 1

DDD Field Office, City, State

EEE Field Office, City, State

FFF Field Office, City, State

GGG Field Office, City, State

HHH Field Office, City, State

Attachment (Employee Questionnaire)

1. Civil Rights Policy and Oversight - All responses are CONFIDENTIAL

This questionnaire will take 12 to 18 minutes to complete.

1. Select the extent of your agreement/disagreement with the statement: "Management officials demonstrate OVERALL support for the Civil Rights Program."

☐ Strongly Agree
 ☐ Agree
 ☐ Neither Agree nor Disagree
 ☐ Disagree
 ☐ Strongly Disagree

2. Select the extent of your agreement/disagreement with management's support for Civil Rights in the following areas:

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
Training	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Program Development	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Outreach Activities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

3. Select the extent of your agreement/disagreement with the following statement. My immediate supervisor treats subordinate employees:

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
Fairly	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Equally	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
With dignity and respect	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

4. Select the extent of your agreement/disagreement with the following statement. Management's decisions on the following are based on merit:

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
Assignments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Projects	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Details	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Promotions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Attachment (Employee Questionnaire)

2. Observations About Civil Rights Programs - All responses are CONFIDENTIAL**5. How often are the following topics discussed at staff meetings:**

	Always	Frequently	Regularly	Occasionally	Never
Civil Rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Equal Employment Opportunity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

6. Have you seen the following posters, notices, or statements at your worksite?

	Yes	No	Don't Know
Secretary of Agriculture Civil Rights Policy Statement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
NRCS Civil Rights Policy Statement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
"And Justice For All" Poster	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
USDA "Prevention of Sexual Harassment" Poster	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
NRCS Anti-Harassment Policy Statement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
NRCS EEO Counseling and Mediation Poster	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

7. How familiar are you with the following:

	Totally Familiar	Familiar	Neither familiar nor unfamiliar	Unfamiliar	Totally Unfamiliar
Management Directive - 715 (formerly Affirmative Employment Plan)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Special Emphasis Programs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
NRCS Reasonable Accommodation Policy and Procedures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

8. How often does Management promote or encourage the following:

	Always	Frequently	Regularly	Occasionally	Never
Special Emphasis Program Observances	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Special Emphasis Program Participation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

*Attachment (Employee Questionnaire)***3. EEO Counseling, Mediation, and Complaints - All responses are CONFIDENTIAL****9. Please select your response to the following statements:**

	Yes	No	Don't Know
I have open communication with my supervisor	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
If my supervisor was not treating me in a fair manner, I would discuss the issue(s) with him/her	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have experienced discrimination in the workplace in the last three years	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have experienced harassment in the workplace in the last three years	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
If I was discriminated against, I would file an EEO complaint	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fear of "reprisal" would be a factor in my decision	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I would consider using Alternative Dispute Resolution to address a workplace discrimination allegation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

10. Please select your response to the following statements:

	Yes	No
I know the difference between a Program Delivery complaint (Title VI) and an Equal Employment Opportunity complaint (Title VII)	<input type="radio"/>	<input type="radio"/>
I know how to file an EEO complaint	<input type="radio"/>	<input type="radio"/>
I know how to contact an EEO Counselor	<input type="radio"/>	<input type="radio"/>
I am aware of the Alternative Dispute Resolution process	<input type="radio"/>	<input type="radio"/>

Attachment (Employee Questionnaire)

4. Background Information - All responses are CONFIDENTIAL

The information in this section is OPTIONAL and CANNOT be used to identify you. The information will be used for statistical analysis only. Again, all your responses are CONFIDENTIAL.

11. I am:

- ☐ Female
☐ Male

12. I am:

- | | |
|---|---|
| <input type="radio"/> American Indian/Alaska Native | <input type="radio"/> Native Hawaiian or other Pacific Islander |
| <input type="radio"/> Asian | <input type="radio"/> White |
| <input type="radio"/> Black | <input type="radio"/> Two or more |
| <input type="radio"/> Hispanic | |

13. My age is:**14. My pay schedule is:**

- | | |
|--------------------------|-----------------------------------|
| <input type="radio"/> GS | <input type="radio"/> WG/WL/WS/WB |
| <input type="radio"/> GM | <input type="radio"/> SES |

15. My pay grade is:**16. I am a:**

- | | |
|--|--------------------------------------|
| <input type="radio"/> Manager/Supervisor | <input type="radio"/> Non-Supervisor |
|--|--------------------------------------|

17. I declare a disability:

- | | |
|--------------------------|---------------------------|
| <input type="radio"/> No | <input type="radio"/> Yes |
|--------------------------|---------------------------|

Attachment (Interview Questionnaire)

CIVIL RIGHTS ADVISORY COMMITTEE CHAIR

Note: Provide a copy of Position Description, Performance Work Plan, IDP, and MOU

1. What is your official working title?

How long have you been a CRAC member; and how long is your term as Chairperson?

2. Collateral duty CRAC responsibilities:

- a. Do you have a stand-alone Civil Rights performance element?
- b. Who conducts the performance appraisal for your collateral duty element?
- c. Who do you report to when it comes to your collateral duty?
- d. What percent of your time is allotted to CRAC activities?

3. What are your responsibilities as CRAC Chairperson?

4. Do you have a budget for meetings and training?

What kind of support do you get from the STC?

Attachment (Interview Questionnaire)

5. Does the CRAC have a current:

1) MOU?

2) Business Plan?

3) By-Laws?

6. What is the composition of the CRAC?

FEMALES _____ MALES _____ MINORITIES _____ GRADE LEVELS _____

7. Please explain how the CRAC members are selected?

8. How often and where does the CRAC meet?

9. Are the CRAC meetings open to all employees?

How are employees informed of the CRAC meetings?

10. Are the CRAC meeting minutes shared with State employees? How?

11. Is the CRAC provided a copy of the State's Recruitment Plan?

Attachment (Interview Questionnaire)

12. Does the CRAC assist in the development of the State's Recruitment Plan? If yes, please explain assistance.
13. Is the CRAC involved in selection panels for vacancies?
14. Describe your knowledge of the MD-715 (formerly AEP)?
15. Has the CRAC identified any areas of underrepresentation in your workforce? Please describe application of findings.
16. Has the CRAC identified program and employment barriers to under-representation? If so, please list some of those barriers.
17. How does the CRAC convey Civil Rights program and employment concerns to leadership (managers and supervisors)?

Attachment (Interview Questionnaire)

18. Has the CRAC provided Civil Rights assistance in the following:

- a. Policy Formation? If so, how and when?
 - b. Program Direction? If so, how and when?
 - c. Administration? If so, how and when?
19. Please give examples of the CRAC's: 1) program outreach; and 2) employment diversity activities and accomplishments within the last two years.
20. Do you think the Civil Rights program and CRAC is effective in your State? Please explain.

Attachment (Interview Questionnaire)

CIVIL RIGHTS ADVISORY COMMITTEE MEMBERS

Note: Provide a copy of Position Description, Performance Work Plan, IDP, and MOU.

1. How long have you been a member of the CRAC; and how long is your term?
2. What is your official working title?
3. Collateral duty CRAC responsibilities:
 - a. Do you have a stand-alone Civil Rights performance element?
 - b. Who conducts the performance appraisal for your collateral duty element?
 - c. Who do you report to when it comes to your collateral duty?
 - d. What percent of your time is allotted to CRAC activities?
4. Does the CRAC have a current: 1) MOU? 2) Business Plan? 3) By-Laws?
5. What does the CRAC plan to accomplish this year? (Give examples)

Attachment (Interview Questionnaire)

6. Describe the feedback from employees in regards to the CRAC's efforts and initiatives.
7. Describe your knowledge of the MD-715 (formerly AEP)?
8. Has the CRAC identified any areas of underrepresentation in your workforce? Please describe application of findings.
9. Has the CRAC identified program and employment barriers to under-representation? If so, please list some of those barriers.
10. How does the CRAC convey Civil Rights program and employment concerns to leadership (managers and supervisors)?
11. As a CRAC member, do you participate in the development of the State's Recruitment Plan?
12. Does the CRAC participate in recruitment activities? If yes, how?

Attachment (Interview Questionnaire)

13. Do you participate in the State's Civil Rights Compliance Reviews? If so, how?

14. Do you feel that the SEPMs and CRAC are effective in the State? Please explain.

15. Do you think sufficient resources are allocated to Civil Rights and EEO?

Attachment (Interview Questionnaire)

SPECIAL EMPHASIS PROGRAM MANAGERS

Note: Provide a copy of Position Description, Performance Work Plan, IDP and MOU

1. What Special Emphasis Program do you manage? How long have you been a SEPM?
(If more than 3 years, please explain.)

2. What is your official working title?

3. Collateral duty SEPM responsibilities:
 - a. Do you have a stand-alone Civil Rights performance element?

 - b. Who conducts the performance appraisal for your collateral duty element?

 - c. Who do you report to when it comes to your collateral duty?

 - d. What percent of your time is allotted to SEP activities?

4. What kind of support do you get from your STC? Does he/she support your program financially?

5. Have you received training pertaining to your collateral duty assignment as SEPM?
Please describe.

Attachment (Interview Questionnaire)

6. Describe your knowledge of the: General Manual Title 230?; and MD-715?
7. Does your SEP have a current: 1) MOU? 2) By-Laws? Have you prepared a business plan or work plan activities to promote the program you are responsible for?
8. What are the objectives of the State's SEP that you manage?
9. How do you send out information to employees regarding your program?
10. Do you assist in the development of the State's Recruitment Plan? If yes, to what extent?
11. Are you involved with employment outreach and recruitment in your State? To what extent?
12. Are you aware of the special employment needs and concerns of the group you serve in the State? Please provide examples.
13. Do you collect employment data? If yes, how do you apply your analysis/findings?

Attachment (Interview Questionnaire)

14. If you were a SEPM last year, did you compare last year's data to current year's data?

15. Are you a voting member of the CRAC? Do you feel that the SEPMs and CRAC are effective in the State? Please explain.

16. Do you think sufficient resources are allocated to Civil Rights and EEO?

17. Do you assist in the State's Civil Rights Compliance Reviews? If so, how?

Attachment (Interview Questionnaire)

CIVIL RIGHTS ADVISORY COMMITTEE ADVISOR

1. How long have you been an advisor to the CRAC? What is your official working title?

2. In your role as advisor, to whom do you report?

3. Do you attend all CRAC meetings?

What are your Civil Rights: 1) program delivery; and 2) employment responsibilities as the CRAC advisor?

4. How effective is the program for: 1) Civil Rights (program delivery); and 2) EEO in your state?

5. Are work plans prepared detailing activities to promote Civil Rights and EEO in the state?

What is your role in developing the work plans for the CRAC?

6. Describe your knowledge of the MD-715 (formerly AEP)?

Attachment (Interview Questionnaire)

7. Has the CRAC identified any areas of underrepresentation in your workforce? Please describe application of findings.

8. Has the CRAC identified program and employment barriers to under-representation?

If so, please list some of those barriers.

9. How does the CRAC convey program and employment concerns to leadership (managers and supervisors)?

10. How would you encourage employees to join the CRAC when there is a vacancy?

*Attachment (Interview Questionnaire)***HUMAN RESOURCE SPECIALIST**

a. Have you utilized any of the following programs during the past two years?

Program	Number of Hires	Number converted to Perm	Number of Male	Number of Female	
Career Experience					
Career Interns					
HACU					
Presidential Mgmt. Intern					
Scholarship for Service					
Student Temporary Employment					
Summer Intern					
Student Volunteer					
USDA 1890 Scholars Program					
Workforce Recruitment program for College Students with Disabilities					
Other persons with Disabilities					

b. What is the diversity of Student hires for the past two years?

Male	Female	Black Male	Black Female	AI Male	AI Female	AAPI Male	AAPI Female	Hispanic Male	Hispanic Female	White Male	White Female

c. What is the diversity of Student Conversions for the past two years?

Male	Female	Black Male	Black Female	AI Male	AI Female	AAPI Male	AAPI Female	Hispanic Male	Hispanic Female	White Male	White Female

d. How many new hires for the State in the past year?

Male	Female	Black Male	Black Female	AI Male	AI Female	AAPI Male	AAPI Female	Hispanic Male	Hispanic Female	White Male	White Female

Attachment (Interview Questionnaire)

1. How do applicants learn of the vacancies?
2. What mechanism do you use to fill vacant positions?
3. How long do you maintain employment applications on file?
4. Is the non-discrimination statement on all vacancy announcements?
5. What mechanisms do you use to increase the number of women, minorities, and persons with disabilities in the applicant pool?
6. How many disabled employees are currently on the staff? How many disabled employees were hired in the past 12 months?
5. Is there a formal written Career Enhancement plan? If so, please provide. If not, when do you anticipate developing and implementing a plan?
6. Is there a formal Recruitment plan? If so, please provide.

Attachment (Interview Questionnaire)

7. List the colleges, universities, or institutions the State recruited from within past two years?

8. Did any recruitment visits result in actual hires? If so, please list employees by RSNOD.

9. Describe your knowledge of the MD-715 (formerly AEP)?

10. Have you identified any areas of and/or barriers to underrepresentation in your workforce?

If so, please list some of those barriers and plans to eliminate.

11. To obtain optimum effectiveness, are SEPMs involved in recruitment efforts?

Explain the joint or cooperative effort between HR and SEPMs?

12. Is there a formal Mentor Program? If so, please provide.

13. Have qualification requirements and procedures for hiring been examined to determine whether EO barriers exist? Please explain.

Attachment (Interview Questionnaire)

14. Do position descriptions contain the Civil Rights performance element? (Please furnish copies of position descriptions for two non-supervisory and two supervisory employees.)

15. Describe how job vacancies are communicated to employees.

16. Where do you post vacancy announcements? (If by e-mail, please provide samples)

17. Are you an advisor to the CRAC? How often do you attend CRAC meetings?

18. Is the CRAC providing assistance in the analysis of personnel actions i.e.; awards, recruitment, etc.?

Attachment (Interview Questionnaire)

PUBLIC AFFAIRS SPECIALIST

1. How does the State's partnership with grassroots organizations assist NRCS in reaching non-traditional and underserved customers?

2. What groups have the State identified as the non-traditional and underserved potentially eligible program participants?

3. How does the State inform potential and non-traditional program beneficiaries (particularly minorities, females, and persons with disabilities) about NRCS programs and activities?

4. Does your staff work with communities through grassroots organizations? If so, please provide a list of those organizations.

5. Does the State prepare news articles?

Over the past 12 months, how many NRCS Civil Rights success stories have been published in the local news outlets? Please provide samples of your most recent articles.

6. How does the State ensure that the Soil and Water Conservation Districts published newsletters contain the "non-discrimination disclaimer?"

Attachment (Interview Questionnaire)

7. Does the State include the non-discrimination statement on employment and program information that is disseminated to the public (Provide examples of the State's newsletters, fact sheets, publications, etc.)?

8. How do you ensure that NRCS' employee and public meeting announcements or notices include availability of accommodation(s)? Provide examples.

9. What materials have been developed for meeting the needs of employees and producers with disabilities or who are Limited English Proficient?

10. Describe guidance provided to field office staff on how/where to display the CR/EEO required posters and policy statements?

11. Does recruitment literature have pictures of women, minorities, and persons with disabilities and indications of the desire for a diversified workforce? Please provide samples.

12. Do you attend CRAC meetings?

Explain your working relationship with the State's CRAC, SEPMs, and Tribal Liaisons (if applicable).

Attachment (Interview Questionnaire)

ASSISTANT STATE CONSERVATIONIST FOR OPERATIONS

1. Describe the guidance that is being given to field office staff from the State Office on program delivery (outreach).
2. How has the State incorporated the outreach process into program delivery? How does the State measure success? (Describe the outcome of efforts).
3. What type of guidance is given to field office staff on how to determine the number of potential eligible program beneficiaries and on-farm/off-farm customer groups?
4. What type of guidance is given to field office staff on maintenance of a list of potentially eligible program participants by RSNOD status?
5. Is the program participation data collected by the field offices reviewed by management to identify new goals?

If yes, how are the goals incorporated into the State's Business Plan and Outreach Plan?
6. In findings of disparities, what actions have you taken to correct them?

Attachment (Interview Questionnaire)

7. Describe the types of outreach training being provided to staff on how to incorporate the outreach process into daily operations.

8. How often is Civil Rights discussed with the SWCD leadership?

9. How often do you discuss Civil Rights with your staff? Please provide documentation of meetings where Civil Rights related topics were discussed.

Attachment (Interview Questionnaire)

ASSISTANT STATE CONSERVATIONIST FOR PROGRAMS

An Equal Opportunity Provider and Employer

1. Describe the guidance that is being given to field office staff from the State Office on program delivery (outreach).
2. How has the State incorporated the outreach process into program delivery? How does the State measure success? (Describe the outcome of efforts).
3. What type of guidance is given to field office staff on how to determine the number of potential eligible program beneficiaries and on-farm/off-farm customer groups?
4. What type of guidance is given to field office staff on maintenance of a list of potentially eligible program participants by RSNOD status?
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Attachment (Interview Questionnaire)

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Attachment (Interview Questionnaire)

STATE ADMINISTRATIVE OFFICER

1. What are the procedures for employees to file an EEO discrimination complaint in your State?

2. What are the procedures for customers to file a Civil Rights program discrimination complaint in your State?
3. Where do you keep instructions on these processes and how are they distributed to employees?
4. How many complaints of discrimination have been filed in the past two years?
Employment _____ Program _____
5. Are you an advisor to the CRAC? How often do you attend CRAC meetings?
6. Is there a current State Recruitment Plan? Describe your involvement in developing/reviewing/monitoring/applying the plan's actions/deliverables.

Attachment (Interview Questionnaire)

7. Describe your knowledge of the MD-715.

8. To obtain optimum effectiveness, are SEPMs involved in recruitment efforts?

Explain the joint or cooperative effort between HR and SEPMs?

9. Is there a statewide training plan? Is Civil Rights/EEO training included?

10. Are all Civil Rights/EEO mandatory trainings completed? How is this information tracked?

11. Has training (including refresher training) been provided on how to file and process CR and EEO complaints (Title VI and Title VII)?

If so, provide method of training and the list of employees that have completed the training.

12. Have employees with responsibility of administering NRCS programs completed the National Employee Development Center (NEDC) Course “Civil Rights Compliance in Program Delivery” training?

Attachment (Interview Questionnaire)

13. Who maintains the 230 files?

What is the state’s status regarding electronic 230 files?

Attachment (Interview Questionnaire)

DISTRICT CONSERVATIONIST

FIELD OFFICE: _____

1. What are the demographics of the area you serve?

2. Where did you obtain the demographics statistics/data? (AG Census or Decennial Census - Census Bureau every 10 years)

3. Can you describe how you apply the information from the different census data reports? (e.g. actions taken to correct disparities, identification of minority groups to determine outreach efforts, etc.)

4. Describe your program outreach efforts (include actions taken to improve program outreach).

5. Are your program outreach contacts identified by Race, Sex, National Origin and Disability status? Describe some of your evaluations/findings of the data.

6. Do you utilize PROTRACTS/SCIMS? Does the PROTRACTS and/or SCIMS data collected reflect the community's demographics?

Attachment (Interview Questionnaire)

7. Have you recognized an employee or nominated anyone for outstanding achievements in Civil Rights activities?

8. Do you document meetings where Civil Rights-related topics are discussed?

How often do you discuss Civil Rights with your District Board members?

How often do you discuss Civil Rights with your staff?

Attachment (Interview Questionnaire)

LANDOWNER

*Answers from this questionnaire can be used as findings for Title VI –
Program Delivery Civil Rights Management*

NAME: _____

FIELD OFFICE: _____

OPTIONAL Gender: Male _____ Female _____ Race/National Origin _____

1. How long have you been a Landowner?

2. Identify type of farming operation:

3. Are you familiar with USDA programs? Yes No

Are you participating in USDA programs or have participated in USDA programs?

List Programs:

4. Have you been denied participation in any USDA programs? If yes, please explain.

5. Do you feel that you have been treated fair by NRCS field staff? Please explain.

Attachment (Interview Questionnaire)

6. How often do you visit the NRCS field office?
7. Have you received any newsletters or literature from NRCS regarding USDA Programs?
8. Would you file a program complaint if you believe that you were discriminated by NRCS staff?
9. Do you know how and where to file a program discrimination complaint? Are you familiar with the “And Justice for All” poster; and its significance?
10. Are you satisfied with the field office staff: work ethics, performance, services, and helpfulness? Please explain.

Attachment (Interview Questionnaire)

SOIL AND WATER CONSERVATION DISTRICT BOARD MEMBER

*Answers from this questionnaire can be used as findings for Title VI –
Program Delivery Civil Rights Management*

NAME _____

CONSERVATION DISTRICT (COUNTY) _____

FIELD OFFICE _____

OPTIONAL Gender: Male ☐ Female ☐ Race/National Origin: _____

1. How long have you been a conservation District Board member?

How did you become a member (elected or appointed)?

2. How did you learn about the conservation District Board?

3. What is the make-up of the conservation District Board?

4. In what manner does the makeup of the Board reflect the community's makeup (race, sex, occupations, landowners, etc)?

Attachment (Interview Questionnaire)

5. What are the qualifications for membership?
6. How does the Board develop outreach activities to encourage women, minorities, and persons with disabilities to serve as Board members?
7. Have you encouraged the Board members to recruit and/or appoint minorities, women, or persons with disabilities to serve on the Board? How are prospective members recruited?
8. Does the Board participate in locally-led conservation initiatives?
9. What do you think of the Board's partnership and working relationship with NRCS?
10. Are you satisfied with the helpfulness and work ethics of the staff?
11. Are you kept aware of NRCS program changes and availability by NRCS staff?
How?

Attachment (Interview Questionnaire)

12. Are you invited to NRCS Civil Rights training or any other NRCS-sponsored training?
13. Does the District have a MOU with NRCS? Is the MOU reviewed annually at a Board meeting?
14. Does the Conservation District publish a newsletter? Does it contain the non-discrimination statement?
15. Are you familiar with the “And Justice for All” poster; and its significance?

*Attachment (Evaluation Form)*

United States Department of Agriculture
Natural Resources Conservation Service

Civil Rights Compliance Review Evaluation Form

STC: _____

Date: _____

Please use the following criteria to answer the questions below:

4-Excellent**3-Good****2-Fair****1-Poor**

- | | | | | |
|---|---|---|---|---|
| 1. Did the Team fulfill the objectives of the Civil Rights Compliance Review? | 4 | 3 | 2 | 1 |
| 2. How would you rate the quality of customer service provided by the Team? | 4 | 3 | 2 | 1 |
| 3. Was the Team courteous to employees and customers during the compliance review? | 4 | 3 | 2 | 1 |
| 4. How would you rate the effectiveness of the Team to provide and assist the staff in explaining the findings of non-compliance in their office? | 4 | 3 | 2 | 1 |
| 5. Did the Team Leader thoroughly cover and explain all of the commendables, recommendations and required actions found during the review? | 4 | 3 | 2 | 1 |
| 6. What was the most effective part of the Compliance Review for you? Why? | | | | |

7. What was the least effective part of the Compliance Review for you? Why?

8. Additional Comments

Fax to: Supervisor, Program Compliance Team at (301) 504-2336 or scan and email to (Name of Supervisor)@ wdc.usda.gov

Attachment (Corrective Action Plan)

**CIVIL RIGHTS COMPLIANCE REVIEW CORRECTIVE ACTION PLAN
TEMPLATE (next page)**

**CIVIL RIGHTS COMPLIANCE REVIEW CORRECTIVE ACTION PLAN
TEMPLATE**

REPORT SECTION	RECOMMENDATIONS OR NON-COMPLIANCE ACTION ITEM	PROPOSED CORRECTIVE ACTIONS	RESPONSIBLE OFFICIAL	TARGETED COMPLETION DATE	STATUS AND COMMENTS

*Print this page in Landscape format for full view

Acronyms

Agency Position Statement	APS
Assistant Secretary for Civil Rights	ASCR
Civil Rights	CR
Civil Rights Division	CRD
Civil Rights Advisory Committee	CRAC
Civil Rights Impact Analysis	CRIA
Close of Business	COB
Code of Federal Regulations	CFR
Department of Justice	DOJ
Departmental Manual	DM
Departmental Regulation	DR
Equal Employment Opportunity	EEO
Employment Compliance Team	ECT
Employment Opportunity	EO
Executive Order	E.O.
Final Agency Decision	FAD
Fiscal Year	FY
Freedom of Information Act	FOIA
Human Resources	HR
Individual Development Plan	IDP
Limited English Proficiency	LEP
Management Directive-715	MD-715
Memorandum of Understanding	MOU
Natural Resources Conservation Service	NRCS
No Later Than	NLT
Office of Adjudication and Compliance	OAC
Performance Results System	PRS
Point of Contact	POC
Program Complaint Management System	PCMS
Program Compliance Team	PCT
Regional Conservationist	RC
Race, Sex, National Origin, and Disability	RSNOD
Special Emphasis Program Manager	SEPM
Standard Operating Procedures	SOP
State Conservationist	STC
United States Department of Agriculture	USDA
United Postal Service	UPS